

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

ADAM S. LEVY on behalf of himself and all others  
similarly situated,

Plaintiff,

v.

THOMAS GUTIERREZ, RICHARD J. GAYNOR, RAJA  
BAL, J. MICHAL CONAWAY, KATHLEEN A. COTE,  
ERNEST L. GODSHALK, MATTHEW E.  
MASSENGILL, MARY PETROVICH, ROBERT E.  
SWITZ, NOEL G. WATSON, THOMAS WROE, JR.,  
MORGAN STANLEY & CO. LLC, GOLDMAN,  
SACHS & CO., CANACCORD GENUITY INC., AND  
APPLE INC.,

Defendants.

No. 1:14-cv-00443-JL

ECF CASE

**CLASS REPRESENTATIVES' MOTION FOR FINAL APPROVAL OF SETTLEMENT  
WITH DEFENDANT APPLE INC.**

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Preliminarily Approving Settlement with Defendant Apple Inc. and Providing for Notice dated March 3, 2020 (Dkt. 254), and upon (i) the Declaration of Lauren A. Ormsbee in Support of: (I) Class Representatives' Motion for Final Approval of Settlement With Defendant Apple Inc.; and (II) Class Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; (ii) the Memorandum of Law in Support of Class Representatives' Motion for Final Approval of Settlement with Defendant Apple Inc.; and (iii) all other papers and proceedings herein, the Court-appointed Class Representatives, Douglas Kurz and Palisade Strategic Master Fund (Cayman) Limited, on behalf of themselves and the

Class, will and do hereby move this Court, before the Honorable Joseph N. Laplante, on June 15, 2020 at 10:00 a.m., at the United States District Court for the District of New Hampshire, Courtroom 2, 55 Pleasant Street, Concord, NH 03301-3941, or at such other location and time as set by the Court, for entry of Judgment approving the proposed Apple Settlement as fair, reasonable, and adequate. The proposed Judgment granting the requested relief will be submitted with Class Representatives' reply papers after the May 25, 2020 deadline for objecting to the Apple Settlement and requesting exclusion from the Class has passed. Class Counsel has conferred with counsel for Defendant Apple Inc. ("Apple's Counsel") regarding this Motion, and Apple's Counsel has advised Class Counsel that Apple assents to the relief requested in this Motion.

Dated: May 11, 2020

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ Lauren A. Ormsbee

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Lauren A. Ormsbee (admitted *pro hac vice*)  
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*Lead Counsel for Plaintiffs*

**ORR & RENO, P.A.**

/s/ Jennifer A. Eber

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*Local Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of May, 2020, the above Class Representatives' Motion for Final Approval of Settlement with Defendant Apple Inc. was electronically served through ECF on all registered attorneys in the case under Civil Action No. 14-cv-00443-JL.

*/s/ Jennifer A. Eber* \_\_\_\_\_

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